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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,510	12/28/2001	David A. Comisky	TI-33646	1263

23494 7590 12/13/2004

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EXAMINER
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HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,510

Applicant(s)

COMISKY, DAVID A.

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,13-21 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 3,5,9-12 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1, 2, 4, 6-8, 13-21 and 23-30*** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (United States Patent Application Publication 2001/0010716), hereinafter referenced as Smith.

Regarding **claim 1**, Smith discloses a premises gateway and premises network interfaces for accessing subscriber premises equipment and communication networks using ring suppression. In addition, Smith discloses a system to mitigate interference between high frequency and low frequency communications over a common line, comprising: a ring detection circuit (223) operative to detect approximately when a change in a ringing condition associated with the common line is about to occur and provide a notification indicative thereof to microprocessor (219); and a high frequency communications system associated with the common line for communication of at least one of voice and data as high frequency data via the common line, the high frequency communications system being operative to temporarily stop downstream transmission of the incoming voice call based on the notification so as to allow processing of the

DTMF information transmitted via the network, which reads on “at least some of the change in the ringing condition to occur”, such that interference on the downstream transmission of high frequency data due to the change in the ringing condition is mitigated, as disclosed at paragraph [0053].

Regarding **claim 2**, Smith discloses everything claimed as applied above (see claim 1), in addition, Smith discloses a bus (185) from which the high frequency communications system receives data for high frequency downstream transmission over the common line, the high frequency communications system temporarily refusing voice data from the bus in response to the notification, as disclosed at paragraph [0053].

Regarding **claim 4**, Smith discloses everything claimed as applied above (see claim 2), in addition, Smith discloses a Plain Old Telephone Service (POTS) system coupled to the bus (185) to receive at least one of voice and data for transmission as low frequency data via the common line, the POTS system being operative to delay initiating the change in the ringing condition for a time period according to the notification, as disclosed at paragraph [0053].

Regarding **claim 6**, Smith discloses everything claimed as applied above (see claim 4), in addition, Smith discloses the high frequency communications system comprising a Digital Subscriber Line (DSL) system operative to transmit and receive the at least one of voice and data ms high frequency data over the common line, as disclosed at paragraph [0053].

Regarding **claim 7**, Smith discloses everything claimed as applied above (see claim 6), in addition, Smith discloses a inherent splitter operatively coupled to the common line and to each of the DSL system and the POTS system, the splitter operative to send and receive the high frequency data relative to the DSL system via the common line and to send and receive the low frequency data relative to the POTS system via the common line, as disclosed at paragraph [0053].

Regarding **claim 8**, Smith discloses everything claimed as applied above (see claim 1), in addition, Smith discloses a bus from which the high frequency communications system receives at least one of voice and data signals for downstream transmission as the high frequency data over the common line, the high frequency communications system comprising at least one buffer in which received data is stored during the temporary stoppage of downstream high frequency data, as disclosed at paragraph [0053].

Regarding **claim 13**, Smith discloses everything claimed as applied above (see claim 1), in addition, Smith discloses the detector being implemented as computer executable instructions in a controller of associated carrier equipment that also includes the high frequency communications system, the controller being operative to control a plurality of Digital Subscriber Line systems, the high frequency communications system being one of the plurality of Digital Subscriber Line systems as disclosed at paragraph [0053].

Regarding **claim 14**, Smith discloses everything claimed as applied above (see claim 1), in addition, Smith discloses the detector being implemented as computer

executable instructions in a Plain Old Telephone Service (POTS) system of associated carrier equipment that also includes the high frequency communications system, the detector of the POTS system being coupled to communicate the notification to the high frequency communications system, as disclosed at paragraph [0053].

Regarding **claim 15**, Smith discloses everything claimed as applied above (see claim 14), in addition, Smith discloses the high frequency communications system and the POTS system being implemented in an integrated hardware module, as disclosed at paragraph [0053].

Regarding **claims 16-21 and 23-30**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 2, 4, 6-8 and 13-15.

#### ***Allowable Subject Matter***

2. **Claims 3, 5, 9-12 and 22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

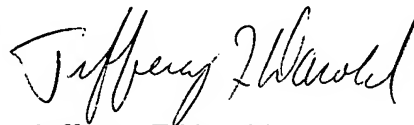
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
December 6, 2004



Jefferey F Harold  
Examiner  
Art Unit 2644